

**BLIND BROOK-RYE SCHOOL DISTRICT  
CODE OF CONDUCT**

Revised and adopted on \_\_\_\_\_

# **BLIND BROOK-RYE CODE OF CONDUCT**

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## **CODE OF CONDUCT**

### **INTRODUCTION**

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

### **DEFINITIONS**

For purposes of this code, the following definitions apply.

“Bullying” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying (as defined below), that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property, or impact, or reasonably be expected to impact the student's attendance and/or participation in school activities. Acts of harassment and bullying may include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Cyberbullying” shall mean the harassment or bullying of students and staff, where such harassment or bullying occurs through any form of electronic communication.

“Disability” shall mean (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.

“Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

“Harassment” is the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Includes, but is not limited to, conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"Parent" means parent, guardian or person in parental relation to a student.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public

elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

"School function" means any school-sponsored extra-curricular event or activity, regardless of where such event or activity takes place.

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.

"Violent student" means a student under the age of 21 who:

1. Commits or attempts to commit, while on school property or at a school function, an act of violence upon another student, school employee, or any other person lawfully on school property or at a school function.
2. Possesses, while on school property or at a school function, a weapon.
3. Displays, while on school property or at a school function, what appears to be a weapon.
4. Threatens, while on school property or at a school function, to use a weapon or commit an act of violence upon another student, school employee, or any other person lawfully on school property or at a school function.
5. Knowingly and intentionally damages or destroys the personal property of any student, school employee or any person lawfully on school property or at a school function.
6. Knowingly and intentionally damages or destroys school District property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

“Academic Misconduct” refers to the non-exhaustive list of behaviors described on pages 29-30.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. Student Rights**

The district is committed to safeguarding the rights given to all students under federal and state law and district policy. In addition, to promote a safe, healthy, orderly and supportive school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

## B. Student Responsibilities

All Students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property;
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct;
3. Attend school every day unless legally excused and be in class on time and prepared to learn;
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible;
5. React to direction given by teachers, administrators, and other school personnel in a respectful and positive manner;
6. Ask questions when they do not understand;
7. Accept responsibility for their actions;
8. Seek help in solving problems that might lead to discipline;
9. Dress appropriately for school and school functions (per the dress code on p 11);
10. Accept responsibility for their actions;
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold them to the highest standards of conduct, demeanor and sportsmanship;
12. Promptly report all concerns for any school person's health and safety, such as potential violence or self-inflicted injury, to a responsible school employee.
13. To respect one another and treat each other fairly and civilly in accordance with the District Code of Conduct and provisions of the Dignity for All Students Act, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment, or discrimination.

## **ESSENTIAL PARTNERS**

### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Become acquainted with their child's school, its staff, curriculum, and activities by attending parent-teacher conferences and school functions.
3. Promote prompt and regular school attendance and make certain that all absences and tardiness are properly excused in writing.
4. Help their child give proper attention to health, safety, personal cleanliness, acceptable dress and grooming in a manner consistent with the student dress code.
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
6. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
7. Convey to their children a supportive attitude toward education and the district.
8. Build positive, constructive relationships with teachers, other parents and their children's classmates.
9. Help their children deal effectively with peer pressure.
10. Inform school officials of changes in the home situation that may affect student conduct or performance.
11. Provide a place for study and ensure homework assignments are completed.
12. Know and understand the rules their child is expected to observe at school, on school property or at a school function, be aware of the consequences for any violation of these rules and accept legal responsibility for the child's actions.
13. Recognize that school personnel deserve the same consideration and respect that parents/guardians expect from their child in order to build good relationships.
14. Whenever possible, utilize technology provided by the school District to stay informed about their child (i.e., voicemail, website, eSchool).
15. Educate and supervise children in the misuse of electronic devices that may be used to bully, harass, and/or sexually offend others.
16. Teach their children respect and dignity for themselves and for other students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender or gender identity or sex, which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.

## **B. Teachers**

In recognition of their charge in educating children, it shall be the responsibility of the teachers and support personnel to:

1. Reflect a personal enthusiasm for teaching, learning, and a genuine concern for each student and colleague.

2. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
3. Know school policies and rules and enforce them in a fair and consistent manner.
4. Enable students to discuss their problems by listening, remaining open-minded, consulting and acting on student recommendations in the decision-making process.
5. Establish and maintain positive, effective and consistent classroom management techniques that result in involving and motivating students.
6. Demonstrate, by work and personal example, respectful, responsible and caring behaviors.
7. Refer to a parent/guardian, counselor or administrator any student whose behavior requires special attention.
8. Be prepared to carry out your professional responsibilities.
9. Communicate to students and parents/guardians:
  - i. Class objectives and requirements
  - ii. Marking/grading procedures
  - iii. Assignment deadlines
  - iv. Expectations for students
  - v. Classroom discipline plan
10. Communicate regularly with students, parents/guardians and other teachers concerning growth and achievement.
11. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
12. Encourage students to benefit from the curriculum and extracurricular programs.
13. Initiate and participate in teacher/student/counselor conferences and parent/teacher/student/ counselor conferences, as necessary.
14. Educate and supervise students in the misuse of electronic devices that may be used to bully, harass or sexually offend other students.
15. Educate students to help create a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender (including gender identity or expression, actual or perceived) or sex which will help strengthen student's confidence and promote learning.
16. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
17. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
18. Report incidents of discrimination, bullying, and/or harassment that are witnessed or otherwise brought to a teacher's attention; such reports shall be made orally within one (1) school day to the building administrator, Dignity for All Students Act Coordinator (DASA), and/or the Superintendent of Schools or his/her designee and a written report

regarding such incident(s) must be filed within two (2) school days after making the oral report to the appropriate individual.

### **C. Building Administrators**

As the schools' educational leaders who set the educational climate, principals are responsible to:

1. Promote a sound and healthy atmosphere of mutual trust and respect within their schools.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Evaluate the staff and program of instruction to achieve a meaningful educational program.
4. Assist the staff in evaluating their own procedures in relation to the interactions within their classrooms.
5. Attend to referrals of students.
6. Promote communication with students, staff and parents/guardians.
7. Maintain a wholesome relationship between home and school.
8. Ensure fairness, reasonableness and consistency in all decisions affecting students, parents/guardians and staff.
9. Utilize all appropriate auxiliary staff and outside agencies when necessary.
10. Coordinate pupil personnel staff and/or other agencies and services on behalf of the student.
11. Assume responsibility for the dissemination and enforcement of the District's Code of Conduct and ensuring that all cases are resolved promptly and fairly.
12. Comply with pertinent state laws governing hearings, suspension and student's rights.
13. Assist in developing in-service programs for staff members.
14. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
15. Support the development of and student participation in appropriate extracurricular activities.
16. Educate and supervise students in the misuse of electronic devices that may be used to bully, harass or sexually offend other students.
17. Educate students and staff to help create a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender (including gender identity or expression, actual or perceived) or sex which will help strengthen student's confidence and promote learning.
18. Follow up on any incidents of discrimination, bullying and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity for All Students Act Coordinator (DASA).

19. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion and religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
20. Promptly lead or supervise and complete a thorough investigation of all written reports of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the principal's or their designee's attention. Such investigation may be performed in collaboration with the Dignity Act Coordinator (DAC).
21. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the principal and/or their designee shall take prompt action, consistent with the District's Code of Conduct, including but not limited to the provisions of 100.2(1)(2)(ii)(h), reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment and create a more positive school culture and climate.
22. Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.
23. Promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
24. Provide a regular report on data and trends related to harassment, bullying and/or discrimination to the superintendent. A "regular report" shall mean at least once during each school year in a manner proscribed by the District.

#### **D. Superintendent**

As the chief executive officer, the superintendent fulfills the key role in the maintenance of discipline. It shall be the responsibility of the superintendent to:

1. Promote a safe, orderly and stimulating school environment, by supporting active teaching and learning, and ensuring that it is free from intimidation, harassment and discrimination.
2. Take such steps as necessary to develop, publicize and carry out the rules and regulations of the students.
3. Be well informed about all school programs.
4. Keep the Board of Education informed about matters related to discipline.
5. Inform the Board of Education about educational trends relating to student discipline.
6. Listen and be responsive to the views of the total community.
7. Encourage and provide for the development of innovative, educational programs.
8. Review with the administrators the policies of the Board of Education and state and federal laws relating to discipline.
9. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.

10. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
11. Educate and supervise students in the misuse of electronic devices that may be used to bully, harass or sexually offend other students.
12. Educate students and staff to help create a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender (including gender identity or expression, actual or perceived) or sex which will help strengthen student's confidence and promote learning.

#### **E. Board of Education**

A primary task of the Board of Education is to establish District policy. It shall be the responsibility of the Board of Education to:

1. Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Adopt and review, at least annually, the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Approve a procedure for hearing grievances related to disciplinary action.
4. Listen and be responsive to the views of the total community.
5. Employ and retain high quality, qualified personnel.
6. Support high quality in-service programs for all school employees.
7. Lead by example by conducting Board of Education meetings in a professional, respectful and courteous manner.
8. Appoint Dignity for All Students Act Coordinator (DASA) in each school building. The Dignity Act Coordinator will be trained to handle human relations in areas of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity and sex. The Dignity Act Coordinator must be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

#### **STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that garments that expose excessive skin, such as, but not limited to, tube tops, net tops, halter tops, plunging necklines (front and/or back), short shirts/skirts/shorts, and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Not include the wearing of hats in the elementary and middle school buildings except for a medical or religious purpose. Approved, building-wide activities are exempt. The wearing of hats at the secondary level shall be determined by the classroom teacher.
5. Include footwear at all times. Footwear that is deemed “unsafe” by the building principal or designee will not be allowed.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion or religious practice, creed, national origin, gender and gender identity, sexual orientation, sex or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each Building Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **PROHIBITED STUDENT CONDUCT & DISCIPLINARY PENALTIES**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may grow in self-discipline.

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact

with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, unless the discipline is consistent with the student's individualized education plan (IEP).

Any individual who violates this policy by engaging in harassment, bullying and/or discrimination will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;

- Parent education seminars/workshops;
- Peer support groups.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

The following a list of behaviors in violation of School District rules and expectations and corresponding disciplinary sanctions for such conduct. This list is not exhaustive and the Building Principal and/or Superintendent, or his designee, has the authority to determine the level of offense and corresponding response:

### LEVEL I

Misbehaviors classified in this level represent relatively minor infractions of established procedures that impact the orderly operation of the school and its educational process. Generally speaking, this level contains behaviors which are disorderly, disruptive, or not conducive to a learning environment. The frequency of their occurrence shall determine the appropriate disciplinary response and their reclassification at a higher level.

#### Infraction

#### Optional Responses

Violating general rules and regulations as outlined in the Student Code of Conduct

Verbal reprimand

Continued violations of the dress code

Analytic discourse

Littering and/or failure to properly discard lunch waste

Supervised study to be assigned at teacher's discretion

Neglecting to return required forms

Conflict resolution

Continued failure to be prepared with class materials, supplies, and equipment

Counseling

Parental notification (orally or in writing)

Continued failure to carry out teacher directions in class activities and assignments

Clean-up and/or payment/repair of damage

Disruptive or disorderly behavior in school, on campus, or on the school bus, including (but not limited to) excessive noise, throwing food/beverages, or running in the halls.

Confiscation of device

Covering or removing offensive item

Interim Reports

Use of profanity or obscenity

Short term removal from activity, sport, and/or privileges

Eating food in non-designated areas or times without permission

Detention

Unauthorized use of electronic devices, including phone, tablet, headphones.

## **LEVEL II**

This level includes misbehaviors of a frequency and severity which tends to disrupt the learning climate of the school and seriously affect the student's own education or that of others. Level II infractions may be the result of Level I misbehaviors which go unremedied or unmodified.

### Infraction

Unmodified or more severe Level I misbehavior

Defacing school or personal property

Minor theft

Truancy

Insubordination

Cheating, Plagiarism, Lying

Horseplay

Gambling

Leaving school grounds without permission

Class cutting, tardiness

Verbal abuse and harassment of students, faculty, and staff

Discrimination

Inappropriate use of the Internet

### Optional Responses

Continuation of Level I Options

Conflict Resolution

Sustained counseling

Parental conference

Extended removal from certain privileges, activities or sports

Send to principal or assistant principal's office

Suspension of school bus transportation (on bus offense)

In-school suspension

Out-of-school suspension

Full restitution of damages

Reduced grade (in cases involving academic misconduct)

Inappropriate use of electronic device (phone, tablet), including taking pictures, recordings, and sharing.

Forgery or fraud, including use of another person's identity for cafeteria, library, or computer access without permission.

### **LEVEL III**

These acts are more serious because their consequences may have a lasting effect on the individual or may pose a threat to the health and safety of others in the school. In some cases, outside agencies may have to be contacted or notified

#### Infraction

Unmodified or more severe Level II misbehavior

#### Optional Responses

Continuation of appropriate Level II options

Physically threatening other students or staff; physical harassment; intimidation

Full withdrawal of participation in school activities/sports

Severe taunting, bullying

Referral to outside agency

Hazing

In-school suspension and notification to the Superintendent.

Stealing

Full suspension (1-5 days) depending upon the offense and notification to the Superintendent

Horseplay/Physical Aggression

Conduct which creates a substantial risk of physical injury

Initiate a Superintendent's Hearing

Fighting

School official contacts proper authorities

Vandalism

Repeated verbal abuse and harassment of students, faculty, and staff.

Sexual harassment or lewdness, including indecent exposure

Pernicious use of the internet

Selling, using, distributing, or possessing obscene material

Possession of drug paraphernalia;  
possessing, using or being under the  
influence of unauthorized substances on  
school property or at school-sponsored  
activities

Displaying what appears to be a weapon.

Threatening to use any weapon.

Defamation, which includes making false  
or unprivileged statements or  
representations about an individual or  
identifiable group of individuals that harm  
the reputation of the person/identifiable  
group by demeaning them.

#### **LEVEL IV**

Represented in this level are acts that are very serious. Included are those which present a direct and immediate threat to the welfare of others or may result in violence to persons or property. So serious are they that in most cases they require administrative action that calls for the immediate removal of the student from school and the intervention of the police.

#### **Infraction**

Unmodified or more severe Level III  
behaviors

#### **Optional Responses**

Continuation of appropriate Level III  
Options

Possession and/or sale of stolen property

Full restitution of damages

Coercion of others

Full suspension/Full suspension from  
activities or sports

Tampering with any emergency  
equipment, including but not limited to  
the fire alarm/pulling the fire alarm, fire  
extinguisher, AED kits

Alternative Schools

School official contacts proper authorities  
and assists in prosecuting the offender

Intentional misuse of 911

Bomb threats or other threats to school  
property, students, or personnel

Possession and/or use of firecrackers or  
explosives

Arson

Sexual assault

Possession of a weapon

Providing, selling or using illegal chemical substances and/or alcohol on school property or at school sponsored activities

## **REPORTING VIOLATIONS**

All members of the school community are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools. Anyone observing harassment or discrimination against another member of the educational community shall report this information immediately to a teacher, the principal or principal's designee, the Superintendent of Schools or the Dignity for All Students Act Coordinator. Following the report, the District shall investigate or otherwise determine what occurred and should take prompt and effective steps reasonably calculated to end the harassment or discrimination, eliminate any hostile environment and prevent the conduct from occurring.

All district staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The building principal or his/her designee must notify the appropriate local authorities of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical. Any violent and disruptive incidents (VADIR) are reportable to the New York State Education Department according to their guidelines.

## **DIGNITY FOR ALL STUDENTS ACT**

School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of harassment, bullying, and/or discrimination shall promptly orally notify the principal, the Dignity Act Coordinator, the superintendent, or their designee not later than one (1) school day after such employee witnesses or receives a report of harassment, bullying, and/or discrimination.

Such school employee shall also file a written report in a manner prescribed by the District with the principal, the Dignity Act Coordinator, the superintendent, or their designee no later than two (2) school days after making an oral report.

The superintendent, principal, Dignity Act Coordinator, or any assigned designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports made under Education Law section 13.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, Dignity Act Coordinator or designee shall take prompt action, consistent with the District's Code of Conduct including but not limited to the provisions of section 100.2(1)(2)(ii)(h), reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.

The principal shall provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the superintendent or the Dignity Act Coordinator. For the purpose of this subdivision, the term "regular report" shall mean at least once during each school year, and in a manner prescribed by the school district.

### **Reporting of Material Incidents to the Commissioner of Education**

The District shall submit to the Commissioner of Education an annual report of material incidents of harassment, bullying, and/or discrimination, that occurred in such school year, in accordance with Education Law section 15 and this subdivision. Such report shall be submitted in a manner prescribed by the commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the commissioner.

Members of the school community can report Dignity for All Students Act (DASA) violations on the District website at [www.blindbrook.org](http://www.blindbrook.org). Contact information and the reporting forms can be found under the "District" tab by clicking on "Dignity Act."

## **Retaliation Prohibited**

Any act of retaliation against any person who reports or has filed a complaint of harassing or discriminatory behavior, is strictly prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a harassment or discrimination complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination, as applicable.

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.

Employee victims also have the right to register complaints with the Federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

## **DISCIPLINARY PROCEDURES AND REFERRALS**

### **A. Procedures**

When discipline in the school setting occurs, the teacher should attempt to remedy the behavior within the classroom. Finding this unsuccessful or should the behavior be so disruptive as to warrant immediate attention at a higher level, the teacher will seek further assistance through the administration of the school. All parties to the problem, i.e., student, teacher, parents/guardians, administrators, guidance, must be involved as early and as completely as is necessary to resolve it. All problems are to be dealt with in a firm, fair, legal and timely manner.

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

## **1. Detention**

Teachers, Principals and the Superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Parents will be notified whenever detention will be imposed as a penalty.

## **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the penalty involved.

## **3. Suspension from athletic participation, extra-curricular activities and other privileges**

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

## **4. In-school Suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

## **5. Teacher Disciplinary Removal of Disruptive Students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

(1) short-term "time out" in an elementary classroom or in an administrator's office; (2) Sending a student into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee as soon as practicable on the next school day.

Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The Principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.

The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The Principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. The Principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

## **6. Suspension from School**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Principals.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

### **a. Short term (five days or less) Suspension from School**

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication

used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within **ten (10)** business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Long term (more than five days) Suspension from School

When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within **thirty (30)** days of the

date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

d. Procedure after Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

**C. Minimum Periods of Suspension**

**1. Students who bring or possess a weapon on school property**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended in accordance with the requirements of state and federal law.

**2. Students who commit violent acts other than bringing or Possessing a weapon on school property**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**D. Referrals**

**1. Counseling**

The Guidance Office shall handle all referrals of students to counseling.

**2. PINS Petitions**

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.<sup>3</sup>

### **3. Juvenile Delinquents and Juvenile Offenders**

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42).

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **ACADEMIC INTEGRITY (Middle and High School Only)**

### **Philosophy:**

It is part of the district's mission to, "...instill integrity as a core value and to influence our students to be ethical and responsible members of society." At Blind Brook schools, academic integrity refers to the commitment to pursue intellectual work in an honest, open, and responsible manner. The health of the school community and the integrity of each student's sense of self and accomplishment depend upon this ethic. As such, we believe that academic integrity is a shared responsibility for students, teachers, and parents.

### **Student Responsibilities:**

- Complete and submit work which reflects only their own best efforts, unless explicitly permitted otherwise by the teacher.
- Consult with a teacher immediately whenever questions regarding assignments arise.
- Be mindful of their own time constraints and proactively communicate with their teacher or counselor as concerns or pressures arise.
- Write and sign the honor pledge on all tests, quizzes, and assignments.

### **Parent Responsibilities:**

- Recognize the academic pressures that tempt students to cheat and help them to avoid prioritizing the grade on a given assignment over the value of the learning process.

- Identify appropriate degrees of parental support, such as asking and answering questions about an assignment, or proofreading for spelling, grammatical, and other technical corrections.
- Encourage students to seek the aid of their teacher whenever questions or concerns arise.
- Report instances of academic misconduct to the school.

### **Teacher Responsibilities:**

- Present educational materials to students in an intellectually honest way.
- Establish clear expectations for academic honesty within the framework of each class.
- Reduce or eliminate opportunities for cheating by: providing multiple versions of the same test if it is to be given at different times during the day, diligently proctoring exams, revising and modifying tests yearly.
- Provide timely feedback from assignments and tests, particularly when such feedback is critical for successful completion of subsequent assignments and tests.
- Be available to provide guidance and assistance to students as needed.
- Hold students accountable when they become aware of an instance of academic dishonesty in accordance with the established guidelines.

### **Administrator Responsibilities:**

- Support an atmosphere that encourages academic integrity throughout the school community.
- Provide clear expectations to faculty regarding reporting academic misconduct and common expectations regarding in-class assessments.
- Foster a climate where faculty, students, and parents feel safe in reporting violations.
- Review students' cumulative disciplinary records to ensure appropriate and consistent responses.

### **Examples:**

Examples of academic misconduct include, but are not limited to:

- Providing or receiving any form of unauthorized assistance.
- Copying any part, or all of an assignment, which includes homework, essays, projects, lab reports.
- Splitting up an assignment with classmates and sharing answers, unless explicitly permitted by the teacher.
- Copying answers from any source, including another student, or using any kind of study aid during a test or quiz.
- Sharing information about test questions or answers.
- Having someone else complete any part of an assignment.
- Forging data or research.
- Fabricating citations: such as including a resource that was not used or excluding a resource that was used.

- Improper use of translation programs: such as using websites or software to translate passages.
- Incorporating or paraphrasing information from commercial notes or abridged documents.
- Altering records.
- Any act of plagiarism: “Forms of plagiarism include the failure to give appropriate acknowledgement when repeating another’s working or particularly apt phrase, paraphrasing another’s argument, and presenting another’s line of thinking. You may certainly use another person’s words and thoughts, but the borrowed material must not appear to be your creation.” Joseph Gibaldi MLA Style Manual and Guide to Scholarly Publishing (New York: The Modern Language Association of America) 151. Teachers may adapt this operational definition with specific directions that fit a particular assignment and grade level.
- Aiding another student in any of the above actions.

### **Consequences:**

According to the Code of Conduct, academic misconduct is classified as a level II infraction and is prohibited. Consequences for violations of academic integrity include the following:

- **First Offense:** The first violation in any class will be addressed by the teacher. The student may receive a reduced grade or a zero for the assignment/test. Parents will be notified and the incident must be reported to the guidance counselor and to administration. A record of the incident will be maintained in the student’s file. The student may be required to submit a written reflection about the incident.

Note: Administration may be involved at this stage depending upon the specific details of the incident. This may elevate a first offense to a higher level of intervention and consequence.

- **Second Offense:** If there is a second violation, either in the same class or in any other class during any year that the student is enrolled in the building, the student and parents will be called to a meeting with the academic integrity committee consisting of the Assistant Principal, Department Coordinator, and Teacher. In addition to the above procedure, that committee can determine which of the further consequences outlined in the Student Code of Conduct may be most appropriate. These may include: counseling, removal from extra-curricular activities, removal from the class, detention, or suspension.
- **Third Offense (High School Only):** As above, plus possible withdrawal from consideration for special honors and awards. Additionally, in the case of severe or pervasive dishonesty which calls into question a student’s academic standing, the committee may recommend that the infractions be disclosed to colleges.

## **ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student Code of Conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The Code of Conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

### *Definitions*

For purposes of this portion of the Code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the

student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

### *Authority of School Personnel to Suspend or Remove Students with Disabilities*

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

### *Procedures for the Suspension or Removal of Students with Disabilities by School Personnel*

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

*Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities*

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's Code of Conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

*Parental Notification of a Disciplinary Change of Placement*

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student Code of Conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

#### *Authority of an Impartial Hearing Officer to Remove a Student with a Disability*

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

#### *Manifestation Review*

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the

CSE will review the plan and its implementation, and modify it as necessary to address the behavior.

2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

#### *Services for Students with Disabilities during Periods of Suspension or Removal*

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction

of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

#### *Students Presumed to Have a Disability for Discipline Purposes*

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same

disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

#### *Expedited Due Process Hearings*

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

#### *Referral to Law Enforcement and Judicial Authorities*

Consistent with and the IDEA and its implementing regulations, the district may report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities and such action will not constitute a change of the student's placement. In such an instance, the Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

## **TRANSPORTATION**

### **Transportation Purpose and Objective**

Pupil transportation is a necessary service and integral part of the total educational program. The time students spend on buses exerts an important influence on their physical and mental conditions which said students bring to the classroom. The major objectives of the pupil transportation program are to:

1. Provide safe transportation
2. Operate an efficient and economical transportation system
3. Adapt transportation to the requirements of the instructional program
4. Maintain conditions on the buses which are conducive to the best interests of students including mental, moral, and physical considerations

### **Rationale**

The school bus is considered an extension of the school; therefore, the safety and welfare of all pupils riding school buses is a major responsibility of the school district. Bus discipline, in order to be effective, must be a cooperative effort involving the transportation department, administrators, parents/guardians and pupils.

### **Roles and Responsibilities**

1. Transportation personnel will receive orientation on a regularly scheduled basis regarding general discipline, pupil behavior, pupil rights, bus rules and disciplinary procedures.
2. Bus drivers, teachers and administrators will be responsible for orienting pupils on a regularly scheduled basis regarding bus behavior.

3. Pupils will be under the authority and supervision of the bus driver while on the bus and will be expected to adhere to the posted bus rules and driver directions at all times.
4. Bus rules and regulations will be published and distributed to parents/guardians, pupils and bus drivers, and they will be posted on every bus.
5. Pupils who are disorderly and insubordinate will be subject to disciplinary actions.
6. Disciplinary action for misbehavior on buses will be the responsibility of building administrators, in collaboration with the bus discipline officer.
7. Disciplinary action will be reasonable and administered in a progressive manner with pupil's rights to due process guaranteed.
8. The principal or the bus discipline officer will be responsible for notifying parents/guardians of disciplinary actions resulting from bus referrals in order to obtain their support and cooperation.

### **Bus Rules**

1. For safety and security reasons, unauthorized persons are not allowed to board or ride a school bus at any time, unless prior approval has been received from the transportation department. This includes parents/guardians, daycare providers, siblings and underage children.
2. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior in accordance with the Code of Conduct.
3. In addition, the following rules will be required of every student riding the school bus:
  - 3.1 Follow the directions of the Driver.
  - 3.2 Stay in your seat.
  - 3.3 No foul language or rude behavior
  - 3.4 Keep all body parts and objects to yourself and inside the bus.
  - 3.5 No eating or drinking on the bus.
  - 3.6 No tobacco products, illegal substances or hazardous materials on the bus.
  - 3.7 D.O.T. regulations prohibit aerosol cans, glass containers and flammable substances on the bus.
  - 3.8 Perfumes/colognes shall not be used on school buses.
  - 3.9 Phone calls and texting are not allowed on school buses unless in an emergency where immediate communication is necessary and with permission of the bus driver.
  - 3.10 Video/audio recordings and pictures are not allowed to be taken by students riding District buses.
  - 3.11 Laser pointers and other objects that can obstruct or impair the vision of the driver are not allowed to be used on school buses at any time.
  - 3.12 iPods, tablets or other similar electronic devices may be used on school buses only if equipped with headphones and the volume is

maintained at a level that does not disrupt the driver or other students.

- 3.13 Hockey and lacrosse sticks are allowed to be transported on the bus but must be stored at all times behind the driver's seat. Other athletic equipment, musical instruments, school projects or other objects larger than 36 inches (length) by 12 inches (width) by 8 inches (depth) will not be transported on school buses. This includes skis, ski poles, sleds, skateboards, bicycles and fishing poles.
- 3.14 Unless the bus driver has received prior authorization informing him/her of a transportation change, all students shall be picked up and discharged at their assigned bus stop.

Upon receipt of a written referral, the principal or bus discipline officer will conduct a pupil conference.

If a pupil denies the allegations against him/her, the principal or bus discipline officer will conduct an investigation into the matter.

A conference with the building principal, the bus discipline officer and the parent/guardian may be scheduled for chronic bus discipline infractions to develop an intervention plan for the student.

The District reserves the right to assign student seating on school buses for safety, efficiency or disciplinary reasons.

### **Bus Suspension Guidelines**

1. If the "Minimum Period of Suspension" section of this Code of Conduct covers the rule violation, the length of suspension is stated in that document.
2. If the rule violation involved insubordination to district employees, at least two days of bus suspension is awarded (examples include, but not limited to, failing to comply with the reasonable directions of district employees and/or demonstrating disrespect).
3. If the rule violation endangered the safety, morals, health or welfare of others, besides that described in the violent conduct section of the Code of Conduct, at least two days of bus suspension is awarded (examples include, but not limited to, throwing/shooting items, spitting, lying, stealing).
4. If the rule violation was a threat, other than described in the violent conduct section of the Code of Conduct, at least three days of bus suspension is awarded (examples include, but not limited to, informing someone you will beat, hit, kick, or hurt someone).
5. If the rule violation is not covered by the above, then the length of bus suspension is based on the number of referrals the student has received during the present school year.

Requests for long-term suspensions (more than five days) will require a transportation hearing conducted by the superintendent or his designee (assistant superintendent for

business). A copy of the bus discipline referral, along with a bus disciplinary letter, will be sent home after each referral to explain the situation, outline the consequences, and ask for parent/guardian support.

## **ATHLETIC CODE OF CONDUCT**

Student athletes must adhere to the Athletic Code of Conduct which is a separate document. The Athletic Code of Conduct is in addition to and does not replace the Student's Code of Conduct. Any discipline imposed under the Athletic Code of Conduct does not preclude additional discipline or consequences under the Student Code of Conduct.

## **STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students, their vehicles, and their belongings, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student, their vehicle, or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should allow the student an opportunity to admit that he or she possesses physical evidence that they violated the law or the district Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have reasonable suspicion to believe the student is concealing evidence of a violation of law or the district Code of Conduct. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record, the quality of the knowledge that lead to the reasonable suspicion and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.

7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

#### D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant;
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. This requirement does not apply to a School Resource Officer acting to assist school administration in any school investigation. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

#### E. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **VISITORS TO THE SCHOOLS**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry and report to the security office upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the security office before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.

4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
8. No students will be removed from school prior to the end of the school day unless signed out in the main office pursuant to school procedures.

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, “public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## B. Penalties

Persons who violate this Code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to arrest.
2. Students. They shall be subject to counseling, or to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## C. Enforcement

The Principal and all staff members are responsible for enforcing the conduct required by this Code. When the Principal or any other staff member sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or staff member shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or staff member shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or his/her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

The Board will work to ensure that the community is aware of this Code of conduct by:

1. Providing copies of an age-appropriate, written in plain language, summary of the Code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete Code of Conduct on the district's website.
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
5. Making copies of the complete Code available for review by students, parents and other community members.
6. Making the Code of Conduct available online at [www.blindbrook.org](http://www.blindbrook.org).

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct, including but not limited to, guidelines for promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees, and including safe and supportive school climate concepts in the curriculum and classroom. Such training shall be designed to raise staff awareness and sensitivity to potential discrimination or harassment and provide strategies and responses to assist staff in responding to reports and incidents of discrimination and harassment and to help discourage their recurrence. The superintendent may solicit the recommendations of the

District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

**B. Review of Code of Conduct**

The Board will review this Code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the Code and the district's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. A change in the name and/or contact information of any Dignity Act Coordinator will not constitute a revision of the Code of Conduct so as to require public hearing.

ADOPTED: